

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Jamie Montcalm,

Plaintiff,

-vs-

Kidspeace Corporation,

Defendant.

PLAINTIFF'S STATEMENT
OF THE CASE

Civ. No. 07-4182 (RHK/RLE)

Plaintiff's Statement of the Case

Plaintiff was hired by Mesabi Academy of KidsPeace, Inc. in 2001 to work as a Youth care Worker at the Mesabi Academy facility in Buhl, Minnesota. Mesabi Academy of KidsPeace, Inc. is a residential facility for juvenile offenders. KidsPeace Corporation is the parent corporation of Mesabi Academy of KidsPeace incorporated in Pennsylvania. KidsPeace Corporation directs the operation of Mesabi Academy of KidsPeace, Inc. and had assumed responsibility pursuant to a contract between the two corporations to provide for training of personnel, facility design, selecting appropriate equipment, and budgetary decisions, including whether to provide funding for adequate staff and safety equipment.

Assault

Lack of inmate discipline, adequate staff, adequate training, and adequate safety equipment at Mesabi Academy of KidsPeace created a dangerous situation for plaintiff.

Mesabi Academy of KidsPeace was chronically understaffed. As a result, plaintiff was frequently left alone with dangerous offenders.

In the early morning hours of May 24, 2003 plaintiff was the sole guard / youth care worker in Mesabi Academy of KidsPeace's Enterprise Unit which held 16-18 juvenile offenders, many of whom were placed at the facility for serious crimes such as rape, murder, and armed robbery. Because of building and fire codes, the individual rooms on the unit were not locked.

Just prior to plaintiff coming on duty, two juveniles were brought back to the unit from the locked or secured area of the facility. At approximately 1:00 a.m. the morning of May 24, 2003, the two inmates came out of their rooms, snuck up on plaintiff who was then choked to unconsciousness. When plaintiff regained consciousness, she saw one of the youth attempting to break out of the unit's window. She ran over to the youth and placed her hands on him when she heard somebody yell "get her". The next thing she knew she was lying on the ground. In the process, her head was struck and she had a large lump on it.

The two inmates escaped and to date have not been recaptured so their current whereabouts are unknown.

Claims for Relief

Plaintiff is seeking relief for damages under Minnesota Common Law and a theory of negligence.

Assessment of Damages

As a result of the assault plaintiff sustained physical injuries and emotional trauma. She was not able to return to her employment at Mesabi Academy. Plaintiff had

to give up her desire to work in law enforcement for which she received a degree from Hibbing Community College. She had to seek another career. Plaintiff's damages exceed \$50,000.00.

MATONICH & PERSSON, CHARTERED

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